REMARKS

This responds to the non-final Office Action outstanding against this application. Claims 19 – 22 are pending in the application. Claims 19 and 21 are the independent claims.

Claims 21 and 22

Claims 21 and 22 were presented June 29, 2010, but the Examiner did not comment on same in the Office Action mailed February 16, 2011. *The applicant has presumed that the rejection of claims 19 and 20 also applies to claims 21 and 22.*

Claim Rejections

The Examiner acknowledges that Ess "doesn't show at least a pickup element is movable relative to the movable device in both first and second directions when the pickup element is in the gripping position." In Ess, as shown in FIGS. 7 – 9, the pushing device 15 (carriage 15) is moved toward the saw 10, but only the left-most panel 20' against the side rail 13 is engaged by the clamps 17 such that only this left-most panel that is against the rail 13 is pushed to the saw 10 by the pushing device 15 so that the various cuts can be made to that panel only. The pushing device 15 is then returned to the starting position, the panels are shifted to the left and the process is repeated again and again until each panel 20' is cut into the desired lengths, which lengths can be different for each panel. Ess requires this repeated back-and-forth movement of the entire pushing device 15, because the clamps 17 cannot be moved relative to the pushing device or relative to the other claims in the forward and backwards directions, as acknowledged by the Examiner.

Kitamura discloses a robot 100 from a metal working CNC machine. The robot 100 includes arms 160/161 that pick up workpieces to be machined. As shown in FIG. 12, the workpiece W4 is engaged by the robotic arm 160 and the shaft 176 must be raised in the direction Y1; in FIG. 13, the arms is rotated in the direction F2 about a horizontal axis; the shaft 176 is then lowered in direction Y2 and the entire table 174 is rotated in direction G2 about a vertical axis so that the second robotic arm 161 engages

another workpiece W1; and the various movements are repeated.

The Examiner points to FIGS. 21, 23, and 31 – 32 states that the robotic arms 160/161 are movable relative to the movable device 166/173 in first and second directions when gripping the workpiece. The Examiner further states that is would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Ess by providing the pickup element is movable relative to the movable device in both first and second directions as taught by Kitamura "in order to obtain a device that moving and positioning the workpiece at optimum locations and coordination." The applicant respectfully disagrees with the Examiner's characterization of Kitamura and his conclusion of obviousness.

First, it is respectfully noted that Kitamura is nonanalogous art to Ess. While Ess and the present development relate to panel sawing devices, Kitamura relates to a robot for a metal working CNC machine. A person of ordinary skill in the art at the time the present invention was made would not have considered the robotic device of Kitamura to provide any teaching or suggestion of the claimed invention, and there would have been no motivation for a person of ordinary skill in the art to make the combination as proposed by the Examiner. *The mere fact that a robot from another field includes gripping arms that move back and forth does not render the claimed panel sawing device obvious.* Also, the multiple rotational movements of Kitamura about both vertical and horizontal axes would make its teachings completely irrelevant to Ess or the presently claimed invention.

Furthermore, the components and movements of Kitamura are completely different that those define in the present claims. Kitamura does not include any structures corresponding to the claimed *support surface or the claimed movable device for moving associated wood panels on the support surface in a first direction toward the panel sawing device and in a second direction away from the panel sawing device.* In fact, in Kitamura, *there is no support surface that supports the workpieces while they are moved by a movable device* – the workpieces are suspended in air using the robotic arms 160/161.

Finally, it is noted that *Ess teaches directly away from any movement of the*

clamps 17 in the forward and backwards directions. Ess is directed completely to the above-described cyclical movement of the entire pushing device 15 forward and backward while sequentially engaging only one or some of the panels, and the panels are then shifted to the left as each panel is cut (see FIGS. 7 – 9 of Ess). The entire purpose of Ess is to accomplish this sequential sawing of the panels (push the first panel to the saw, move the pusher 15 back to the starting position, shift the panels left, push the next panel, etc.), and Ess does not include any hint or suggestion of using the clamps 17 to shift the relative position of the panels relative to the pushing device 15 and relative to each other *so that different lengths can be cut from adjacent panels in a single pushing operation* (the Examiner is urged to consider FIGS. 4f, 4r, 5f, 5i, etc. of the present application so that these differences relative to Ess can be appreciated). It is respectfully submitted that the Examiner is merely using hindsight based upon the disclosure of the present specification to make the proposed combination of Ess in view of Kitamura.

Amendments to Claims 19 and 21

Claims 19 and 21 have also each been amended to recite the panel saw device and to recited that the first pickup is movable relative to the movable device *and relative to at least one other of said plurality of pickup elements* in both the first and second opposite directions when the first pickup element is in the gripping position. In Kitamura, the robotic arms 160/161 move together with the part 175 in the forward and backwards directions C1/C2, and do not move relative to each other in the forward and backwards directions C1/C2. These clarifying amendments further distinguish devices claimed in claims 19/20 and 21/22 from Ess in view of Kitamura.

Conclusion

This application has been pending since 1999, with claims having been allowed on more than one occasion, only to have the allowance withdrawn. The applicant has overcome multiple prior art rejections with claim amendments and arguments, only to be faced with further searches and rejections on completely different grounds. The

applicant filed a Notice of Appeal and an appeal brief, only to have the applicant sent back to the Examiner to reopen prosecution.

It is respectfully submitted that this application should be allowed at the earliest possible date without further delay of the applicant's patent rights. The applicants representative will contact the Examiner to schedule a telephone interview at the first availability of the Examiner in an effort to ensure that this application moves forward to allowance.

Respectfully submitted,

Steven Haas (Reg. No. 37, 841)
Fay Sharpe LLP
The Halle Building, 5th Floor
1228 Euclid Avenue
Cleveland, OH 44115
(216)363-9000